

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANTANDER CONSUMER USA, INC.,

Plaintiff,

and

Kate A. Mensah,

Plaintiff-Intervenor,

v.

THE CITY OF YONKERS, A.P.O.W.  
TOWING, LLC AND HAROLD  
WUESTENHOEFER,

Defendants.

**CIVIL ACTION NO: 20-cv-04553**

**JUDGMENT**

Karas, J.

This action having been commenced on June 15, 2020 by the filing of the Complaint; and it appearing that Defendant, City of Yonkers (“Yonkers”) made an offer of judgment pursuant to Federal Rule of Civil Procedure 68 on August 3, 2021; and it appearing that Plaintiff, Santander Consumer USA, Inc. (“Plaintiff”) accepted that offer on August 16, 2021; and Plaintiff having filed the offer, acceptance, and an appropriate proof of service with the court in accordance with Rule 68(a); and good cause having been shown; judgment is hereby entered against Yonkers pursuant to Fed. R. Civ. P. 68 as follows:

Judgment is entered in favor of Plaintiff and against Defendant, City of Yonkers, in the amount of \$3,000, exclusive of all costs and attorneys’ fees at issue in this action; and

Judgment is entered against Yonkers requiring Yonkers to further revise the Defendant City’s Code at Chapter 109-132 and any other related provisions and practices to provide for

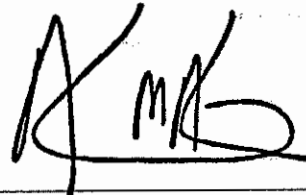
prompt notice of towing or removal as well as an opportunity to be heard before a person or party independent of the Defendant City to any registered owner, title owner, lessor or lien holder of any motor vehicle being towed or removed for non-payment of parking tickets or other violations of law or Code or otherwise amend the aforesaid City Code to reflect all current legal requirements.

This Court shall retain jurisdiction of this action to ensure compliance with this Order and for all other purposes related to this Action.

There being no just reason for delay, the Clerk of the Court is hereby instructed to enter this Order and Judgment against Defendant City of Yonkers forthwith and without further notice.

**SO ORDERED**, this 17th day of August, 2021.

Dated: August 17, 2021  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

Kenneth M. Karas, U.S.D.J.